

MEMORANDUM ENDORSEMENT

Goldstein v. Solucorp Industries Ltd.,  
11 CV 6227 (VB)

The Court declines to endorse the attached order to show cause (Doc. #108) in its present form. However, the Court will consider Mr. Condon's motion to be relieved as counsel on the following schedule:

1. By August 11, 2014, Mr. Condon is directed to (i) serve a copy of this Memorandum Endorsement Order and the attached motion papers on each of his clients by mailing a copy of same to their last-known addresses, and (ii) file proof of service of same with the Court.

2. By September 2, 2014, any of Mr. Condon's clients who wish to oppose the motion must fax or otherwise deliver a letter directly to Judge Briccetti at the address below responding to the motion:

Honorable Vincent L. Briccetti  
United States District Judge  
United States Courthouse  
300 Quarropas Street, Room 630  
White Plains, NY 10601  
Fax (914) 390-4170

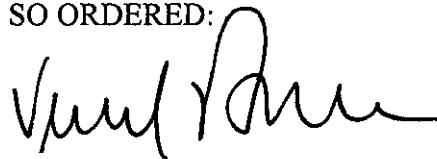
A copy of said letter shall also be delivered to Mr. Condon. The Court will decide whether it is appropriate to place such letter(s) on the public docket.

3. By September 2, 2014, any response to the motion from any other party in this case must be filed with the Clerk or on ECF.

4. No personal appearance will be required on this motion. The Court will decide the motion in due course.

Dated: August 4, 2014  
White Plains, NY

SO ORDERED:



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Vincent L. Briccetti  
United States District Judge

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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MICHAEL GOLDSTEIN, GOLDSTEIN  
GROUP HOLDINGS, INC., BERNARD  
KAHN, DAVID WEINBERG, and  
RAPHAEL KNEPLER,

Case No. 11-cv-6227 (VLB)

Civil Action

Plaintiffs,

**ORDER TO SHOW CAUSE TO  
BE RELIEVED AS COUNSEL**

-against-

SOLUCORP INDUSTRIES, LTD., EAST  
MORGAN HOLDINGS, INC., LONDON  
VENTURES CAPITAL CORP., MICHAEL  
REIDEL, RICHARD RUNCO, RICHARD  
GREENE, ISRAEL TYBERG, PETER  
MANTIA and JOSEPH KEMPROWSKI,

Defendants.

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Upon the Affirmation of Brian K. Condon, affirmed on the 21<sup>st</sup> day of July, 2014, and  
upon the copy of the pleadings hereto annexed, it is

ORDERED, that SOLUCORP INDUSTRIES, LTD., LONDON VENTURES CAPITAL  
CORP., RICHARD RUNCO and JOSEPH KEMPROWSKI show cause before a motion term of this  
Court, at Room \_\_\_\_\_, United States Courthouse, 300 Quarropas Street, White Plains, New York,  
on \_\_\_\_\_, at \_\_\_\_\_ o'clock in the \_\_\_\_\_ noon thereof, or as soon thereafter as  
counsel may be heard, why an order should not be issued as follows:

- (i) Relieving Condon & Associates, PLLC as counsel for Defendants Solucorp  
Industries, Ltd., London Ventures Capital Corp., Richard Runco and Joseph  
Kemprowski, and staying this matter for thirty (30) days to afford these Defendants  
an opportunity to retain new counsel; and
- (ii) For such other and further relief as the Court deems just and proper.

And it is further,

ORDERED that personal service of a copy of this order and annexed Affirmation with exhibits as follows: (i) upon Defendant Solucorp Industries, Ltd., at 100 Dutch Hill Road, Suite 260 Orangeburg, New York 10962; (ii) upon Defendant London Venture Capital Corp. at 661 North Broadway, Nyack, New York 10960; (iii) Richard Runco 3100 N.E. 48<sup>th</sup> Street, Suite 917, Fort Lauderdale, Florida 33308, and (iv) Joseph Kemprowski at 661 North Broadway, Nyack, New York 10960, on or before \_\_\_\_ o'clock in the \_\_\_\_ noon, \_\_\_\_\_, shall be deemed good and sufficient service thereof.

Dated: White Plains, New York

Issued: \_\_\_\_\_M

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UNITED STATES DISTRICT JUDGE

CONDON & ASSOCIATES, PLLC  
Brian K. Condon, Esq. (BC4683)  
Laura M. Catina, Esq. (LF2998)  
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*Attorneys for Defendants, Solucorp Industries, Ltd.,  
London Ventures Capital Corp., Richard Runco,  
Peter Mantia and Joseph Kemprowski*

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

----- X  
MICHAEL GOLDSTEIN, GOLDSTEIN  
GROUP HOLDINGS, INC., BERNARD  
KAHN, DAVID WEINBERG, and  
RAPHAEL KNEPLER,

Case No. 11-cv-6227 (VLB)

Civil Action

Plaintiffs,

-against-

SOLUCORP INDUSTRIES, LTD., EAST  
MORGAN HOLDINGS, INC., LONDON  
VENTURES CAPITAL CORP., MICHAEL  
REIDEL, RICHARD RUNCO, RICHARD  
GREENE, ISRAEL TYBERG, PETER  
MANTIA and JOSEPH KEMPROWSKI,

Defendants.

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**DECLARATION OF BRIAN K. CONDON IN SUPPORT OF  
CONDON & ASSOCIATES, PLLC'S MOTION TO BE RELIEVED AS COUNSEL**

BRIAN K. CONDON, pursuant to the provisions of 28 U.S.C. § 1746, hereby declares under  
the penalties of perjury that the following is true and correct:

1. I am a member of the law firm of Condon & Associates, PLLC, attorneys for the  
Defendants in the above-referenced matter. I am fully familiar with the facts and circumstances

surrounding this matter based upon a review of the file maintained by this office in the ordinary course of business.

2. I submit this Declaration in support of the motion of Condon & Associates, PLLC to be relieved as counsel for the following four Defendants: (a) Solucorp Industries, Ltd. ("Solucorp"), (b) London Ventures Capital Corp ("London Ventures"), (c) Richard Runco ("Runco"), and (d) Joseph Kemprowski ("Kemprowski").

**A. Factual Background**

3. The Plaintiffs originally commenced this action on or about September 6, 2011 against Defendants Solucorp Industries, Ltd., East Morgan Holdings, Inc., London Venture Capital Corp., Richard Runco, Richard Greene, Peter Mantia and Joseph Kemprowski. Since the inception of this matter, we were retained to represent these Defendants and, by application late last year, our application to be relieved as counsel for Defendants Michael Reidel, East Morgan Holdings, Inc. and Richard Greene due to financial strain was granted.

4. The parties have exchanged paper discovery, including documents and interrogatories and began taking the depositions of all parties.

**B. Deaths of Individual Defendants**

5. Since the commencement of this action, Defendants Runco and Kemprowski have died. To my knowledge, neither Runco's nor Kemprowski's Estates have appointed any individual or firm to undertake their representation posthumously.

6. Without an individual or firm that will be handling their Estates and affairs, our firm cannot continue our representation of these individual's Estates either ethically or effectively.

**C. Lack of Organized, Corporate Structure**

7. As for the remaining Defendants, Solucorp and London Ventures, neither corporate entity has a corporate office, no working telephone number, facsimile number or e-mail, any

directors and/or officers with adequate knowledge and information as to the facts and circumstances surrounding the allegations of this instant action.

8. The sole, remaining officer of both London Ventures and Solucorp, Ms. Arle Pierro, who is also the widow of Defendant Kemprowski, has already indicated to me that she is unaware of the circumstances surrounding the allegations of the Plaintiffs.

9. Because of such, without officers and/or direct with information or knowledge as to the facts or circumstances of this instant action, we are unable to adequately continue our legal representation as to each of their interests and, thus, has caused an extreme strain on our professional relationship.

10. Without individuals that can properly report or refute the facts and circumstances as to the allegations of this suit or, alternatively, appear for depositions to act on behalf of Defendants Runco, Kemprowski or any of the corporate Defendants, it has caused such a strain our attorney-client relationship that we would no longer be acting in the clients' best interests by continuing our representation.

11. Furthermore, our firm has been unduly, financially burdened as there are legal fees that remain due and owing in the excess of tens of thousands of dollars with no promise of payment in sight.

**D. Basis for Relief Sought**

12. Based upon the above and the depositions scheduled for this and the coming weeks of these Defendants, we must make this instant application to be relieved immediately as counsel and give them the opportunity to retain counsel that can represent their interests.

13. Condon & Associates, PLLC reluctantly makes this motion to be relieved as counsel because our relationship with the Solucorp Defendants has become so strained that we can no longer effectively represent them.

14. Because the Court has already denied our request for a further extension the discovery deadlines in this case, we ask the Court to reconsider a stay of thirty (30) days to provide Defendants Solucorp, London Ventures, Runco, and Kemprowski the opportunity to find new counsel.

15. No prior application for the relief sought herein has been requested as to these Defendants.

WHEREFORE, Condon & Associates, PLLC respectfully requests that the Court grant its motion to be relieved as counsel and grant such other and further relief as the Court deems just and proper.

Dated: Nanuet, New York  
July 21, 2014

s/ Brian K. Condon  
BRIAN K. CONDON